

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
McIntosh, Communications)	File No. EB-10-LA-0148
Licensee of Radio Station WPPF631)	
)	NOV No. V201132900004
Las Vegas, Nevada)	
)	

NOTICE OF VIOLATION

Released: November 1, 2010

By the District Director, Los Angeles Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules¹ to McIntosh, Communications ("McIntosh"), licensee of radio station WPPF631 in Las Vegas, Nevada.

2. On June 22, 2010, an agent of the Enforcement Bureau's Los Angeles Office monitored McIntosh's transmissions on 461.9375 MHz emanating from the Planet Hollywood Resort & Casino in Las Vegas, Nevada, and observed the following violation:

- a. 47 C.F.R. § 90.425(a): "[E]ach station or system shall be identified by the transmission of the assigned call sign during each transmission or exchange of transmissions, or once each 15 minutes (30 minutes in the Public Safety Pool) during periods of continuous operation. The call sign shall be transmitted by voice in the English language or by International Morse Code..." The frequency was monitored continuously for over 20 minutes. Numerous transmissions were detected, yet no call sign or International Morse Code was detected.

3. On June 23, 2010, an agent of the Enforcement Bureau's Los Angeles Office inspected McIntosh's station at 3667 Las Vegas Blvd. South (Planet Hollywood Resort & Casino) in Las Vegas, Nevada, and observed the following violations:

- a. 47 C.F.R. § 1.903(a): "Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part..." The authorization lists the

¹ 47 C.F.R. § 1.89.

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transmitter's location at 4455 Paradise Road, however, the transmitter's current location is at 3667 Las Vegas Blvd. South (Planet Hollywood Resort & Casino) in Las Vegas, Nevada. Additionally, the station's authorization lists an antenna height of 8 meters. The actual height was approximately 21 meters.

4. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, McIntosh must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of McIntosh. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Los Angeles District Office
18000 Studebaker Road, Suite 660
Cerritos, CA 90703

5. This Notice shall be sent to McIntosh, Communications, at its address of record.

6. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Nader Haghighat
District Director
Los Angeles District Office
Western Region
Enforcement Bureau

² 47 U.S.C. § 308(b).

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*